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January 10, 2022

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: **King v. Fedcap Rehabilitation Services, Inc., et al.**
Civil Action No. 20-Civ-1784 (VSB) (ADS)
Request To Adjourn Mediation

Dear Judge Broderick:

We represent the Defendants, Fedcap Rehabilitation Services, Inc. (“Fedcap”) and Wildcat Service Corporation (“Wildcat”) (together, “Defendants”) in the above-identified matter. As Your Honor may be aware, the parties are scheduled for a mediation with Mediator Michael G. Wolfson on January 18, 2022. We write to respectfully request that the Court adjourn the mediation date, until after the Court rules on Plaintiff’s conditional certification motion and the parties complete depositions.

Over the last few weeks, the parties have continued to make progress in their meet and confer about discovery and have tentatively scheduled dates for the depositions of Plaintiff and certain of Defendants’ witnesses, in the first week of March 2022. Further, Plaintiff’s motion for conditional certification of an FLSA collective action remains pending. Defendants respectfully submit that the outcome of the fully briefed conditional certification motion necessarily will affect the parties’ respective positions and strategy for mediation. In addition, having the benefit of additional discovery obtained through depositions and any supplemental exchange of documents responsive to written requests will aid the parties in being able to better assess the strengths and weaknesses of the claims and defenses at issue, and thus, will make a mediation productive. For these reasons, Defendants respectfully request that the mediation scheduled for January 18, 2022 be adjourned until after the Court rules on Plaintiff’s conditional certification motion and the parties complete depositions. We sought Plaintiff’s counsel’s consent to this request, who responded that Plaintiff opposes the request, but did not specify the reason for his opposition.

Hon. Vernon S. Broderick
January 10, 2022
Page 2

This is Defendants' first such request, and it affects no other scheduled dates.

Thank you for Your Honor's consideration of this request.

Respectfully,

/s/ Adriana S. Kosovych

Adriana S. Kosovych

cc: Counsel of Record (via ECF)